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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,722	08/27/2002	Markus R Muller	13011	6910

7590 07/27/2006

Orum & Roth
53 West Jackson Boulevard
Chicago, IL 60604

EXAMINER

CHAWAN, SHEELA C

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,722

Applicant(s)

MULLER, MARKUS R

Examiner

Sheela C. Chawan

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on May 5, 2006 has been entered and made of record.

Claim 2 is canceled.

Claim 21 is a new claim.

Claims 1, 3 - 21 are pending in the application.

In response to applicant's submission of Amended Drawings, filed on May 5, 2006 the objections are withdrawn.

Response to Argument

2. Applicant's arguments see page 5 of the remarks, filed May 5, 2006 with respect to claims 1-20 have been fully considered and are persuasive. The rejection of has been withdrawn.

Applicant's arguments, see page 31 of the remarks, filed May 5, 2006, with respect to claims 1-20 under 102(e) rejection have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of McMahon (US.3,975,711).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brooks (US. 6,898,299 B1), in view of McMahon (US.3,975,711).

As to claim 1, Brooks disclose device for finger recognition, comprising: housing (1) (fig 12a, item 112, column 17, lines 64-67, column 18, lines 1-16), at least partially enclosing the finger recognition sensor, the finger recognition sensor is being arranged and constructed to sense, the typical features of the finger (column 13, lines 24-49, column 17, lines 46-55), whereby a distance consists (column 14, lines 46-54) between the finger recognition sensor and the finger and/or between the housing (1) (column 19, lines 1- 44) and the finger (column 29, lines 21-27).

Brooks is silent about visual optical sensing system.

McMahon discloses the invention relates generally to efficient and reliable sensor terminal means for generation of fingerprint impressions or related patterns at an optical input window of a data processor and more particularly relates to such apparatus whereby the satisfactory or non-satisfactory character of the impression is visually and rapidly assessed prior to manipulation by a data processor for comparison and recognition purposes (column 3, lines 59- 68, column 5, lines 65- 68, column 6, lines 1-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Brooks to include visual sensing system. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

Art Unit: 2624

Brooks by the teaching of McMahon to provide an increased discrimination and accuracy of print identification, (as suggested by McMahon at column 6, lines 13- 18).

As to claim 3, Brooks discloses device according characterized by the fact that the finger recognition sensor is active in the infrared wave range (column 43, lines 40-46).

As to claim 4, Brooks discloses device according to characterized by the fact that the finger recognition sensor is a capacitive sensor (column 13, lines 13-23, column 56, lines 17-22),

As to claims 5, 14, 15 and 16 Brooks disclose device according to characterized by the fact that a positioning device is intended for the accurate positioning of the finger relating to the finger recognition sensor (note, in fig 13, item 110 corresponds to finger is which is accurately position)

As to claim 6, Brooks discloses device according to characterized by the fact that the positioning device (3) exhibits a display device (fig 1, item 34, column 17, lines 19-23), which indicates to the user the place, at the finger is to moved past or to be positioned (column 17 lines 19-23).

As to claims 7 and 17, Brooks discloses device according to characterized by the fact as positioning device a transmitter is intended for the data acquisition of the position of the finger and that an output unit informing the user about the position of the finger is intended (column 18, lines 17-32).

As to claims 8, 18 and 19 Brooks discloses device characterized by the fact that the positioning device exhibits light sources as display device and/or as output unit (fig 2).

As to claims 9 and 20, Brooks discloses device according to characterized by the fact that a positioning device is intended for the accurate positioning of the finger relating to the finger recognition sensor (column 5, lines 59-61).

As to claim 10, Brooks discloses device according to characterized by the fact that as positioning device a transmitter is intended for the data acquisition of the position of the finger and that an output unit informing the user about the position of the finger is intended (column 5, lines 62-67, column 6, lines 1-3).

As to claim 11, Brooks discloses device characterized by the fact that the limitation device consists of a horizontally or vertically arranged hoop (column 20, lines 5-11, column 24, lines 18-30).

As to claim 12, Brooks discloses device characterized by the fact that the limitation device consists of a horizontally or vertically arranged bar (column 20, lines 5-11, column 24, lines 18-30).

As to claim 13, Brooks discloses device characterized by the fact that the limitation device exhibits a life test sensor, which acquires the blood circulation or the pulse of the finger (column 24, lines 18-30).

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over McMahon (US.3,975,711), in view of Fujimoto et al., (US.5,177,802).

Regarding claim 21, McMahon discloses as follow:

a device for finger recognition comprising a finger recognition sensor, a sensor housing (note, fingerprint terminal corresponds to housing, column 2, lines 19- 29, column 3, lines 59- 68), and a finger positioner (column 2, lines 30- 45, column 5, lines 25- 34), said finger recognition sensor having a camera element, said camera element being arranged (fig 1, item 12, scanned image is detected by optical pickup device, column 4, lines 29- 31) and constructed to sense reflected light from a subject finger (column 4, lines 1-19, 20-36, column 5, lines 25- 34).

McMahon is silent about creating multiple images of the subject finger based on reflected light alone, without contact between the subject finger and the finger recognition sensor.

Fujimoto discloses a fingerprint input apparatus, which is suitable for fingerprint collation or identification. The system comprises of :

creating multiple images (column 20, lines 43- 55) of the subject finger based on reflected light alone, without contact (column 5, lines 39- 51, column 30, lines 32- 40, column 34, lines 1-28) between the subject finger and the finger recognition sensor (column 14, lines 20-30, column 32, lines 49- 68, column 33, lines 1-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified McMahon to include creating multiple images of the subject finger based on reflected light alone, without contact between the subject finger and the finger recognition sensor. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified McMahon by the teaching of Fujimoto in order to provide a result in lowering ambiguity of the fingerprint identification

Art Unit: 2624

or collation and enhancing the reliability, (as suggested by Fujimoto at column 20, lines 50- 55).

Other prior art cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fukuzumi (US.6,144,757) discloses system and method for identifying an organism.

Teng et al., (US. 6,154,285) discloses surface treatment for optical image capturing system.

Einighammer et al., (US.6,404,904 B1) discloses system for the touchless recognition of hand and finger lines.


Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2624
July 21, 2006


SHEELA CHAWAN
PRIMARY EXAMINER